

FIRST REGULAR SESSION

SENATE BILL NO. 421

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Read 1st time February 27, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1842S.02I

AN ACT

To repeal sections 167.181 and 174.335, RSMo, and to enact in lieu thereof two new sections relating to the meningococcal conjugate vaccine.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 167.181 and 174.335, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 167.181 and
3 174.335, to read as follows:

167.181. 1. The department of health and senior services, after
2 consultation with the department of elementary and secondary education, shall
3 promulgate rules and regulations governing the immunization against
4 poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and
5 hepatitis B, to be required of children attending public, private, parochial or
6 parish schools. Such rules and regulations may modify the immunizations that
7 are required of children in this subsection. The immunizations required and the
8 manner and frequency of their administration shall conform to recognized
9 standards of medical practice. **The department of health and senior**
10 **services's rules and regulations shall require that one dose of**
11 **meningococcal conjugate vaccine shall be required for any child who**
12 **has attained the age of eleven years but not yet attained the age of**
13 **twelve years. The department's rules and regulations shall also require**
14 **that one booster dose of meningococcal conjugate vaccine shall be**
15 **required after the child attains the age of sixteen years.** The department
16 of health and senior services shall supervise and secure the enforcement of the
17 required immunization program.

18 2. It is unlawful for any student to attend school unless he has been

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 immunized as required under the rules and regulations of the department of
20 health and senior services, and can provide satisfactory evidence of such
21 immunization; except that if he produces satisfactory evidence of having begun
22 the process of immunization, he may continue to attend school as long as the
23 immunization process is being accomplished in the prescribed manner. It is
24 unlawful for any parent or guardian to refuse or neglect to have his child
25 immunized as required by this section, unless the child is properly exempted.

26 3. This section shall not apply to any child if one parent or guardian
27 objects in writing to his school administrator against the immunization of the
28 child, because of religious beliefs or medical contraindications. In cases where
29 any such objection is for reasons of medical contraindications, a statement from
30 a duly licensed physician must also be provided to the school administrator.

31 4. Each school superintendent, whether of a public, private, parochial or
32 parish school, shall cause to be prepared a record showing the immunization
33 status of every child enrolled in or attending a school under his jurisdiction. The
34 name of any parent or guardian who neglects or refuses to permit a nonexempted
35 child to be immunized against diseases as required by the rules and regulations
36 promulgated pursuant to the provisions of this section shall be reported by the
37 school superintendent to the department of health and senior services.

38 5. The immunization required may be done by any duly licensed physician
39 or by someone under his direction. If the parent or guardian is unable to pay, the
40 child shall be immunized at public expense by a physician or nurse at or from the
41 county, district, city public health center or a school nurse or by a nurse or
42 physician in the private office or clinic of the child's personal physician with the
43 costs of immunization paid through the state Medicaid program, private
44 insurance or in a manner to be determined by the department of health and
45 senior services subject to state and federal appropriations, and after consultation
46 with the school superintendent and the advisory committee established in section
47 192.630. When a child receives his or her immunization, the treating physician
48 may also administer the appropriate fluoride treatment to the child's teeth.

49 6. Funds for the administration of this section and for the purchase of
50 vaccines for children of families unable to afford them shall be appropriated to
51 the department of health and senior services from general revenue or from federal
52 funds if available.

53 7. No rule or portion of a rule promulgated under the authority of this
54 section shall become effective unless it has been promulgated pursuant to the
55 provisions of chapter 536. Any rule or portion of a rule, as that term is defined

56 in section 536.010, that is created under the authority delegated in this section
57 shall become effective only if it complies with and is subject to all of the
58 provisions of chapter 536 and, if applicable, section 536.028. This section and
59 chapter 536 are nonseverable and if any of the powers vested with the general
60 assembly pursuant to chapter 536 to review, to delay the effective date or to
61 disapprove and annul a rule are subsequently held unconstitutional, then the
62 grant of rulemaking authority and any rule proposed or adopted after August 28,
63 2001, shall be invalid and void.

174.335. 1. Beginning with the 2004-2005 school year and for each school
2 year thereafter, every public institution of higher education in this state shall
3 require all students who reside in on-campus housing to [sign a written waiver
4 stating that the institution of higher education has provided the student, or if the
5 student is a minor, the student's parents or guardian, with detailed written
6 information on the risks associated with meningococcal disease and the
7 availability and effectiveness of] **have received the meningococcal conjugate**
8 **vaccine unless a signed statement of medical or religious exemption is**
9 **on file with the institution's administration. A student shall be**
10 **exempted from the immunization requirement of this section upon**
11 **signed certification by a doctor licensed under chapter 334, indicating**
12 **that either the immunization would seriously endanger the student's**
13 **health or life or the student has documentation of disease or laboratory**
14 **evidence of immunity to the disease. A student shall be exempted from**
15 **the immunization requirement of this section if he or she objects in**
16 **writing to the institution's administration that immunization violates**
17 **his or her religious beliefs.**

18 2. [Any student who elects to receive the meningococcal vaccine shall not
19 be required to sign a waiver referenced in subsection 1 of this section and shall
20 present a record of said vaccination to the institution of higher education.

21 3.] Each public university or college in this state shall maintain records
22 on the meningococcal vaccination status of every student residing in on-campus
23 housing at the university or college[, including any written waivers executed
24 pursuant to subsection 1 of this section].

25 [4.] 3. Nothing in this section shall be construed as requiring any
26 institution of higher education to provide or pay for vaccinations against
27 meningococcal disease.

